

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COREY HARRIS,

Petitioner,

v.

WARDEN JAMES VESHECCO, et al.,

Respondents.

Civil Action No. 05-111 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on April 11, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. On January 3, 2008, Petitioner filed an Amended Petition for Writ of Habeas Corpus [Doc. No. 13].

The Magistrate Judge's Report and Recommendation [Doc. No. 18], filed on April 7, 2008, recommended that Respondent's Motion to Dismiss [Doc. No. 16] be granted, that Petitioner's Amended Petition be dismissed as moot and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the amended petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 28th day of April, 2008;

IT IS HEREBY ORDERED that Respondent's Motion to Dismiss [Doc. No. 16] is GRANTED; Petitioner's Amended Petition for Writ of Habeas Corpus [Doc. No. 13] is DISMISSED as moot; and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 18] of Magistrate Judge Baxter, filed on April 7, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge